




# City of Loma Linda Official Report

Karen Gaio Hansberger, Mayor  
Floyd Petersen, Mayor pro tempore  
Robert Christman, Councilmember  
Stan Brauer, Councilmember  
Robert Ziprick, Councilmember

## COUNCIL AGENDA:

TO: City Council

FROM: Dennis R. Hallaway, City Manager 

SUBJECT: Transfer of property from Brittany Place HOA

## RECOMMENDATION

It is recommended that the City Council accept the transfer of property from the Brittany Place HOA at no cost to the HOA.

## BACKGROUND

At your last meeting several questions were raised regarding the transfer of property under the Edison Easement owned by the Brittany Place HOA. Subsequent to your meeting Mr. Norm Meyer submitted the attached letter and a copy of a section of CC&R's. As Mr. Meyer explains the property maintenance is the responsibility of the city as indicated in the CC&R's that were approved many years ago by the City Council.

Because it is already our responsibility to maintain the property and because our overall plan is to connect the Edison Easement into one linear park and walking trail it is logical that we control the property by owning it.

## ANALYSIS

### ENVIRONMENTAL

None

### FINANCIAL IMPACT

None

Dennis,

I don't know if you can bring this up again tonight, but here is the situation with the power easement.

1. There is no tax paid on the property. Common area is not taxed. The tax is only charged on the property where the buildings are.
2. The City already has the responsibility to maintain the property. That is part of the CC&R's that the City agreed to when the property was developed.
3. The only change will be that the City owns the property and not Brittany Place. Brittany Place has no funds to improve the property.
4. Brittany Place vote was for the transfer with no cost to the Association. There would have to be another vote by the members of the Association to make any changes. This I don't think will happen.

I sorry that I was not there as I was under the impression that there would be no opposition and I did have another obligation.

I thought I would give this to you tonight to see if this could be resolved to night.

Norm Meyer

85-170941

→ roofs and exterior surfaces of the Dwelling Units, garages, gutters, downspouts, the exteriors of the fences between the Lots and the Common Area, slope plantings, sewers and storm drains, as well as driveways, parking areas and recreational facilities, in a safe, sanitary and attractive condition, and in good order and repair, and shall likewise provide for the utilities serving the Common Area. The Association shall ensure that the landscaping on the Common Area and Association Maintenance Areas is maintained free of weeds and disease. The Association shall not be responsible for the maintenance of any portions of the Common Area which have been dedicated to and accepted for maintenance by a state, local or municipal governmental agency or entity. All of the foregoing obligations of the Association shall be discharged when and in such manner as the Board of Directors of the Association shall determine in its judgment to be appropriate. The Association shall also maintain the parkway adjacent to Lawton Avenue between the boundary line of Tract 9817-1 and the public sidewalk. Although it is planned that the Association will eventually own fee title to the Edison easement area, the City will maintain such area for public use. ←

Section 9.03. Damage to Common Area by Owners. The cost of any maintenance, repairs or replacements by the Association within the Common Area or Association Maintenance Areas, arising out of or caused by the willful or negligent act of an Owner, his tenants, or their families, guests or invitees shall, after Notice and Hearing, be levied by the Board as a Special Assessment against such Owner.

ARTICLE X

USE RESTRICTIONS

All real property within the Properties shall be held, used and enjoyed subject to the following limitations and restrictions and the exemptions of Declarant in Article XIV hereof:

Section 10.01. Single Family Residence. Each Lot shall contain one Dwelling Unit with ancillary Improvements, and each Dwelling Unit shall be used as a residence for a single Family and for no other purpose.

Section 10.02. Business or Commercial Activity. No part of the Properties shall ever be used or caused to be used or allowed or authorized to be used in any way, directly or indirectly, for any business, commercial, manufacturing, mercantile, storage, vending or other such nonresidential purposes; except Declarant, its successors and assigns, may use any portion of the Properties for a model home site, and display and





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COUNCIL AGENDA: August 24, 2004

TO: City Council

VIA: Dennis R. Halloway, City Manager 

FROM: T. Jarb Thaipejr, Public Works Director/City Engineer 

SUBJECT: Accepting the Power line Easement Property from Brittany Place Homeowners Association

## **RECOMMENDATION**

It is recommended that the City Council accept the transfer of the power line easement property from Brittany Place Homeowners Association to the City.

## **BACKGROUND**

On July 20, 2004, City staff received a letter from Mr. Norman H. Meyer, President of Brittany Place Homeowners Association, offering to deed a power line easement property to the City. The property is approximately 2.1 acres, located under the Southern California Edison Transmission line, north of Lawton Ave. and east of Brittany Place development. The Homeowners Association has asked that the City handle the necessary documentation and incur the cost of all transfer fees.

## **ANALYSIS**

The property currently has an existing concrete sidewalk trail, similar to the SCE Easement trail between Lawton Ave. and Beaumont Ave. If the easement property is accepted by City Council, the City would install an irrigation system and landscape the property to complement and interconnect with the Loma Linda easement area south of Lawton Ave.

## **ENVIRONMENTAL**

No environmental impact.

## **FINANCIAL IMPACT**

Brittany Place will donate the property. However, the City will be responsible for the cost in transferring the title.

*I:\Public Works Admin\Staff Reports\Powerline Easement transfer 8.24.04.doc*

BRITTANY PLACE HOMEOWNERS ASSOCIATION

LOMA LINDA, CA 92354

July 20, 2004

Mr. Dennis Halloway, City Manager  
City of Loma Linda  
Loma Linda, CA 92354

Dear Mr. Halloway

Some time ago, as you well remember, I talked with you regarding the Brittany Place Homeowners Association deeding the power line easement property east of our development to the City of Loma Linda. My request to you was that the City prepare all the necessary documents at no cost to the Homeowner Association. You suggested that I make a written request to the City.

On June 23, 2004, when the final votes were counted, the Homeowners Association voted to approve the transfer of the property to the City of Loma Linda with the understanding that the City provide the necessary documents for the transfer with no cost to the Association.

The Homeowners Association is pleased to make this transfer and is looking forward to the improvements to the easement property that the City is making in the easements to the South.

Should you have questions, you can contact me by phone at 799-0777 or by e-mail at [nhmeyer1@juno.com](mailto:nhmeyer1@juno.com).

Thank you for considering this request.

Sincerely,



Norman H. Meyer

President Brittany Place Homeowners Association